

Mr Adam Walker
Kirklees Metropolitan Borough Council
Development Management
PO Box B93
Huddersfield
West Yorkshire
HD1 2JR

Our ref: RA/2020/141151/01-L01
Your ref: 2019/94165
Date: 05 February 2020

Dear Adam

PROPOSAL: DEMOLITION OF EXISTING MILLS AND ASSOCIATED STRUCTURES, ERECTION OF FIVE COMMERCIAL UNITS AND ASSOCIATED YARD WORKS

LOCATION: BUTT END MILLS, CHADWICK LANE, LOWER HOPTON, MIRFIELD, WF14 8PW

Thank you for consulting the Environment Agency regarding the proposed erection of 5 commercial units at Butt End Mills on Chadwick Lane, Lower Hopton, Mirfield

Environment Agency position

In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is refused.

Reason(s)

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- Provide an acceptable assessment of flood risk to the site and others.
- Provide details of suitable mitigation measures, and, in meters above Ordnance datum (AOD).
- Consider how people will be kept safe from the identified flood hazards.
- Demonstrate through an appropriate assessment that there is no increased risk to others as a result of the proposed development.
- Take the impacts of climate change into account.

There is no assessment of the impact of climate change using appropriate climate change allowances. The applicant should use the central (20% allowance) and check the higher central (30%) for less vulnerable development in flood zone 3 according to 'Flood risk assessments: climate change allowances'.

Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above.

If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted and we'll respond within 21 days of receiving it.

Comments on the submitted FRA:

We note that the application site is wholly located within flood zone 2 and 3 on the Flood Map for Planning, adjacent to a washland/ flood storage area and a weir. Additionally, the site is wholly located in flood zone 3a(i) as defined by the Calder Catchment SFRA (Kirklees Council) Vol 2, 2016. The application comprises demolishing the existing mill and additional structures and the construction of 5 commercial units with associated car parking and yard space.

Flood zone 3a(i) comprises developed land within Flood Zone 3b where water would flow or be stored in times of flooding if not already constrained by development. Identification of zone 3ai allows the council to assess risk within 3a in more detail showing areas where existing development is likely to be restricting flood flows and water storage that would otherwise be within the functional floodplain. Should sites in Flood Zone 3ai become available for new or further development (e.g. as brownfield sites) then both the risk at the sites and their role in managing flood risk in the surrounding area should be carefully considered in line with Local Plan policies.

Where possible, such sites should look to reduce risk when designing for new development.

We do note that design drawing number: 0003-Rev P3 'proposed site plan' shows that the proposed re development may encroach in to the 8m buffer zone from the river embankments. Any site layout and design options should take account of the 8 m easement buffer along watercourses where development is not permitted. This easement buffer is recommended by the Environment Agency to allow ease of access to watercourses for maintenance works. We require confirmation on how close parts of the development are to the River Calder in meters.

The Environment Agency has a model for the River Calder (Calder and Canals 2015) which houses flood levels for the site. This is available by request through the customer engagement team. Please email neyorkshire@environment-agency.gov.uk. Your local planning authority should have undertaken a Strategic Flood Risk Assessment (SFRA) which will also include local flood risk information to inform your FRA. Please contact your local planning authority to determine what information is available. Further advice on what to include in an FRA can be found at <https://www.gov.uk/guidance/flood-risk-and-coastal-change#site-specific-flood-risk-assessment-all>.

An FRA should use the highest modelled node within the vicinity of the proposed development to assess the flood risk to the site, and any proposed mitigations required.

The FRA has not provided details of finished floor levels (FFL) in meters AOD. We would normally expect finished floor levels for less vulnerable developments to be raised to at least the 1% annual exceedance probability (1 in 100) modelled level plus a suitable allowance for climate change using the most up to date climate change allowances published in 2016 [climate change allowances](#), plus a further 300mm.

Furthermore, we hold data to suggest that the site has been completely inundated in the previous flood events of 2000, 2015 and 2019 respectively. An FRA needs to assess the extent to which previous flood events have affected the site.

The proposed use of voids:

We note that section 5.7.4 proposes the use of voids where flood flows are proposed to be controlled via an inlet and outlet structure beneath the ground floor of the development. Where an increase in building footprint is proposed it is not appropriate to consider the use of voids. In addition, the applicant would have to agree a plan with the Local Authority to ensure that the voids are managed and maintained for the lifetime of the development.

We do not favour indirect replacement of flood storage and we would object to any such proposal until it is proven that a direct scheme is not feasible and that there is no increase in risk to others. The proposed use of voids does not guarantee that the floodplain will be retained in the same way as a compensation scheme (which is a form of risk substitution).

The FRA needs to demonstrate that development of the site does not increase the flood risk within the site, alter existing flow routes, transfer flood risk to others or be allowed to spill into nearby watercourses.

Informatives:

Advice to LPA and Applicant - Proposed car parking

This development has been proposed within an area identified as being at risk of flooding, and includes the provision of car parking within buildings. The applicant should be aware that vehicles can start to float in flood depths of less than 60cm – less if it is fast-flowing. The applicant must satisfy themselves that any relevant building will be constructed in such a way that vehicles floating or displaced as a result of flooding, would not jeopardise its structural stability.

In addition, the applicant should ensure that any sensitive infrastructure such as gas and water pipes or electrical cabling are located and designed to withstand the potential impacts of floating or displaced vehicles.

Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities, including temporary works which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

If you have any questions please contact me

Yours sincerely

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Sustainable Places - Planning Advisor

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